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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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STEVEN I. WEISBURD, ESQ.
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
1177 AVENUE OF THE AMERICAS
41ST FLOOR
NEW YORK, NY 10036-2714

EXAMINER

WEISBERGER, RICHARD C

ART UNIT PAPER NUMBER

3624

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/809,494

Applicant(s)

KEENE, ALEXANDRA

Examiner

Richard C Weisberger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 8-18-03.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 101

Claims 1 - 10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are not tied to the technological arts. While claims 7-8 are directed to sending the email across a network, this step is ancillary and not tied to the generation of the email content which can be generated by hand. Thus, the collection of steps are not computer implemented. The examiner suggests limiting the preamble and the operational steps (i.e., receiving etc.) to computer implemented steps.

Claim Rejections - 35 USC § 112

1. Claims 1-10 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Comments are within parentheses.

The method as recited in claim 1, further comprising:

generating a Web file (the scope of generated is unclear. How is the Web file generated? Is it generated by via a computer?) said Web file (what is a web file?) including exception information relating to said exception item; and generating (**see previous remarks for generation.**) an address for said Web file; wherein said e-mail includes said address.

The method as recited in claim 2, further comprising: generating (see above) an image of said exception item; and wherein said Web file includes said image.

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The method as recited in claim 1, wherein the step of comparing further includes the step of performing a scrubbing process (the scrubbing process is undefined) to determine whether said exception item is a true exception item.

The method as recited in claim 2, further comprising causing said address to expire at a predetermined time.

The method as recited in claim 2, further comprising sending an SMTP (undefined and improper) notice to said payor financial institution using said method when said exception client accesses said Web file.

The method as recited in claim 1, wherein said sending includes sending said e-mail across a network.

The method as recited in claim 2, wherein said e-mail includes a hyperlink to said address.

The method as recited in claim 1, wherein said method is used in an exception item notification system and said method further comprises:

comparing said at least one exception item with a database of clients of said exception item notification system; and sending said e-mail only when said exception client is a client of said exception item notification system.

A method of notifying an exception client associated with a payor financial institution of an exception item, said method comprising: receiving a presentment check file, said presentment check file including presentment information relating to checks presented to said payor financial institution for payment;

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receiving a payor check file from said exception client, said payor check file including check information relating to checks written by said exception client; comparing said presentment check file with said payor check file thereby producing at least one exception item; generating a Web file, said Web file including an image relating to said exception item; sending said exception client an e-mail notifying said exception client of said at least one exception item; and generating an address for said Web file; wherein said e-mail includes a hyperlink to said address (It is not clear if the steps are being performed by hand or under the control of a computer run algorithm.)

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admissions of prior art.

In response to the 1.105 requirement, the applicant points to the differences between the claimed invention and the prior art. It would have been obvious to include email notification of the exception items including an image of the check. The motivation being increased speed of resolution and reduced cost. These are both art recognized results. The implementation thereof would have been obvious to those skilled in the art at the time for the same reasons as that recognized in the art.

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Respectfully,

By



Rich Weisberger

703 308 4408